

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 6, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

**SUBJECT:
VARIANCE**

VAR-13881 - PUBLIC HEARING - APPLICANT: THOS THREE ARCHITECTURE - OWNER: AAMAX ENTERPRISES LLC. Request for a Variance TO ALLOW 103 PARKING SPACES WHERE 167 SPACES ARE REQUIRED AND TO ALLOW TWO LOADING ZONES WHERE THREE ARE REQUIRED IN CONJUNCTION WITH A PROPOSED 30,904 SQUARE FOOT RETAIL CENTER on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue (APN 139-36-110-02 and 03), C-1 (Limited Commercial) Zone and R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff commend DENIAL.

PROTESTS RECEIVED BEFORE: APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

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City Council Meeting

City Council Meeting

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RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Revised Justification Letter dated 06-30-06
5. Justification Letter dated 05-30-06
6. Submitted after final agenda - Revised plans by staff for Items 163-167

Motion made by GARY REESE to Approve Subject to Conditions

Passed For: 0; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
None; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Item 163 [VAR-13881], Item 164 [VAR-14355], Item 165 [SUP-13882], Item 166 [SUP-13884] and Item 167 [SDR-13880].

JOHN LOPEMAN, 11145 South Eastern Avenue, appeared on behalf of applicant. He stated that the location of the proposed supper club would be 365 feet away from the existing



church rather than 400 feet, but pointed out the 100 foot right-of-way between the two establishments. Pertaining to the 20-foot Variance, the proposed roof height would be 16 feet with a screened parapet canopy, but the roof could be lowered to 15 feet, bringing the setback into conformance. MR. LOPEMAN described the landscape along the perimeters and noted a revision that would limit vehicular access at the south property line and provide two additional parking spots. COUNCILMAN REESE inquired as to why wrought iron was proposed above the solid wall and MR. LOPEMAN explained it is a style preference for visibility. COUNCILMAN REESE expressed that the wrought iron might encourage delinquents to jump the wall but he could respect the design wish.

ACEY GOMEZ, 3547 Arcadia Point, appeared as a member of the development team. She noted that her parents dreamed about developing the site and noted there has been positive feedback from the community including nearby businesses. She requested approval.

CLAYTON NELSON of Nevada By Design, 3515 East Harmon Avenue, confirmed that traffic would not be a significant issue nor would parking. COUNCILMAN REESE queried the hours of the businesses and MR. NELSON confirmed they would be nine to five with the supper club having extended evening hours. COUNCILMAN REESE agreed there would not be a parking issue and would support their desire to develop some more.

RON FORESTA appeared with PASTOR HOWARD FORTSON on behalf of Victory Outreach Church. MR. FORESTA expressed concern about allowing camping in the area because the area is troubled with violence and drugs. He noted there is a nearby senior center, a men's recovery home and there are plans to build another church in the vicinity, which might be affected by this proposal. PASTOR FORTSON, the Lead Pastor of Victory Outreach, added that the area is congested and this proposal could increase existing pressure on the police department.

COUNCILMAN REESE acknowledged all concerns and stated that the location needs additional jobs and that the development would generate money for the area. He was disappointed they were not supportive as the area is in transition. He promised to address any issues that might arise from this development. In addition, COUNCILMAN REESE verified there would not be any strip clubs at the location and requested there be trees planted along the block wall and off Eastern Avenue.

MAYOR GOODMAN declared the Public Hearing closed for Item 163 [VAR-13881], Item 164 [VAR-14355], Item 165 [SUP-13882], Item 166 [SUP-13884] and Item 167 [SDR-13880].